

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

COMMONWEALTH OF PENNSYLVANIA,)	
DEPARTMENT OF ENVIRONMENTAL)	
PROTECTION, STATE OF CONNECTICUT,)	2:05-cv-885
STATE OF MARYLAND, STATE OF NEW)	
JERSEY and STATE OF NEW YORK,)	
)	
Plaintiffs,)	
)	
v.)	
)	
ALLEGHENY ENERGY INC., ALLEGHENY)	
ENERGY SERVICE CORPORATION,)	
ALLEGHENY ENERGY SUPPLY)	
COMPANY, LLC, MONONGAHELA)	
POWER COMPANY, THE POTOMAC)	
EDISON COMPANY and WEST PENN)	
POWER COMPANY,)	
)	
Defendants.)	

ORDER OF COURT

AND NOW, this 30th day of May, 2006, after the plaintiffs filed an amended complaint in the above-captioned case, and after the defendants moved to dismiss several of the plaintiffs' claims for relief asserted in the amended complaint, and after a Report and Recommendation was issued by the United States Magistrate Judge, and the parties were granted ten days after being served with a copy to file written objections thereto, and upon consideration of the parties' objections, and after independent review of the pleadings, and the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS ORDERED that the defendants' motion to dismiss the plaintiffs' claims for relief 1-3, 6-9, and 12-26 in the first amended complaint (Document No. 32) is denied.

BY THE COURT:

s/ Terrence F. McVerry
United States District Judge

cc: Honorable Robert C. Mitchell
United States Magistrate Judge

Marianne Mulroy, Esquire
Email: mmulroy@state.pa.us

Robert A. Reiley, Esquire
Email: rreiley@state.pa.us
Kimberly Massicotte, Esquire
Email: kimberly.massicotte@po.state.ct.us
Lori D. Dibella, Esquire
Email: lori.dibella@po.state.ct.us

Kathy M. Kinsey, Esquire
Email: kkinsey@mde.state.md.us
Susan F. Martielli, Esquire
Email: smartielli@mde.state.md.us

Kevin Auerbacher, Esquire
Email: Kevin.auerbacher@dol.lps.state.nj.us
Lisa J. Morelli, Esquire
Email: lisa.morelli@dol.lps.state.nj.us

Andrew G. Frank, Esquire
Email: andrew.frank@oag.state.ny.us
Jacob E. Hollinger, Esquire
Email: Jacob.Hollinger@oag.state.ny.us

Kenneth K. Kilbert, Esquire
Email: kkilbert@bccz.com
Alan B. Rosenthal, Esquire
Email: arosenthal@bccz.com